

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBIN STEPHENS,
5614 (VM)
Plaintiff

DKT. NO. 07-cv-

v.

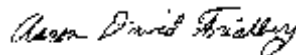
SHUTTLE ASSOCIATES, L.L.C.,
SUPERSHUTTLE INTERNATIONAL, INC.,
NEW YORK CITY TRANSIT AUTHORITY,
MANHATTAN AND BRONX SURFACE TRANSIT
OPERATING AUTHORITY, and "JOHN DOE," NYCT
BUS DRIVER
Defendants

NOTICE OF
MOTION

Sirs/Madams:

Please take notice that upon the annexed declaration of Aaron David Frishberg, and upon all the papers and proceedings heretofore had in this matter, Plaintiff will move this Court before Hon. Victor Marrero, USDJ, at the Courthouse, 500 Pearl Street, New York, NY 10007, on submission on the 24th day of February, 2008 for an Order pursuant to F. R. Civ. P. Rule 41, dismissing Shuttle Associates, LLC and Supershuttle International, Inc., from the within action with prejudice, without costs to any party, together with such further, other and different relief as this Court deems just in the premises.

Yours, etc.



Aaron David Frishberg (AF 6139)
Attorney for Plaintiff
116 W. 111th Street
New York, NY 10026
212 740 4544

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBIN STEPHENS,

Plaintiff

DKT. NO. 07-cv-5614 (VM)

v.

SHUTTLE ASSOCIATES, L.L.C.,
SUPERSHUTTLE INTERNATIONAL, INC.,
NEW YORK CITY TRANSIT AUTHORITY,
MANHATTAN AND BRONX SURFACE TRANSIT
OPERATING AUTHORITY, and "JOHN DOE," NYCT
BUS DRIVER

Defendants

DECLARATION

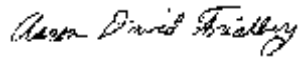
Aaron David Frishberg, attorney for Plaintiff, declares under penalties of perjury pursuant to federal law, as follows:

1. I am the attorney for Plaintiff herein.
2. Pursuant to an accord between Defendants SHUTTLE ASSOCIATES, LLC and SUPERSHUTTLE INTERNATIONAL, INC. (the Supershuttle Defendants) and Plaintiff, the basis of which is confidential by agreement of these parties, Plaintiff seeks to dismiss the action against these defendants with prejudice.
3. Federal Rules of Civil Procedure Rule 41 requires that, to be effective, a stipulation of dismissal be executed by all parties who have appeared in the action.
4. Plaintiff and counsel for the Supershuttle defendants have entered into such a stipulation.
5. However, a draft stipulation provided to counsel for the remaining defendants who have appeared in this action, NEW YORK CITY TRANSIT AUTHORITY and MANHATTAN AND BRONX SURFACE TRANSIT OPERATING AUTHORITY (the TA defendants) has not been executed by counsel.
6. The TA defendants have made a motion, which is pending before this Court, one branch of which seeks the severance of the action against them from the action against the Supershuttle defendants.

7. The TA defendants have not instituted any cross-claim against the Supershuttle Defendants.

Wherefore, it is respectfully requested that this Court grant an Order pursuant to F. R. Civ. P. Rule 41(a) (2) dismissing the action against Shuttle Associates, LLC and Supershuttle International, Inc. with prejudice, without costs to any party, together with such further, other and different relief as this Court deems just in the premises.

Respectfully submitted,

A handwritten signature in cursive script, reading "Aaron David Frishberg".

Aaron David Frishberg, Esq. (AF 6139)
Attorney for Plaintiff